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FM AMEMBASSY KINSHASA  
TO SECSTATE WASHDC 0376  
INFO AMEMBASSY NAIROBI  
AMEMBASSY BRUSSELS  
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AMEMBASSY BRAZZAVILLE  
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C O N F I D E N T I A L SECTION 01 OF 05 KINSHASA 001281

PARIS FOR MORAN, BRUSSELS FOR DUBROW

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TAGS: PGOV, PREF, PHUM, CG

SUBJECT: ETHNIC TENSIONS SIMMER IN EASTERN ZAIRES UNCLASSIFIED

REF: (A) KINSHASA 856, (B) 94 KINSHASA 6847 (C) 94  
KINSHASA 3665

1. CONFIDENTIAL - ENTIRE TEXT.

2. SUMMARY: LONGSTANDING ETHNIC CONFLICTS BETWEEN THE DESCENDENTS OF RWANDAN IMMIGRANTS IN EASTERN ZAIRE AND "INDIGENOUS" TRIBES CONTINUE TO PROVOKE SPORADIC OUTBREAKS OF VIOLENCE THROUGHOUT THE REMOTE INTERIOR OF ZAIRE'S NORTH KIVU PROVINCE. THE 1994 INFLOW OF A MILLION RWANDAN HUTU REFUGEES INTO THE CAMPS AROUND GOMA, NORTH KIVU'S PROVINCIAL CAPITAL, HAS AGGRAVATED LOCAL SENSITIVITIES ABOUT AN EMERGING BANYARWANDA MAJORITY; THE INFUX OF DEFEATED RWANDAN TROOPS AND MILITIAMEN, AND THEIR ARMS INTO THE REGION MAY ALSO HAVE FUELED THE FLARE-UP OF FIGHTING IN LATE 1994. SINCE THE 1993 "LITTLE WAR," THE FIGHTING HAS DEGENERATED FROM A LOCALIZED BUT INTENSE ETHNIC WARFARE, INTO ETHNIC BANDITRY THAT HAS BECOME GENERALIZED THROUGHOUT THE PROVINCE. ZAIRIAN TROOPS SENT INTO THE REGION REDUCED THE CASUALTY RATE, BUT IMPOSED NEW BURDENS ON THE CIVILIAN POPULATION. A TANGLE OF CONTRADICTORY LAWS DEFINING THE BANYARWANDA'S STATUS AS ZAIRIAN CITIZENS AND POTENTIAL OTHERS WILL NONETHELESS KEEP TENSIONS HIGH AS ELECTIONS NEAR, EVEN THOUGH AN INFUX OF GOVERNMENT TROOPS HAS MORE OR LESS QUELLED MUCH OF THE FIGHTING FOR NOW. END SUMMARY.

FROM ANCIENT GRUDGE . . .

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3. LONG BEFORE THE MASSIVE INFLOW OF RWANDAN REFUGEES IN 1994, RWANDAN IMMIGRANTS AND THEIR DESCENDENTS, KNOWN LOCALLY AS THE "BANYARWANDA," WERE AN IMPORTANT COMPONENT IN THE ETHNIC MAKEUP IN THE EASTERN PROVINCES OF NORTH KIVU AND SOUTH KIVU. SOME BANYARWANDA ACTIVISTS MAINTAIN THAT HUTU AND TUTSI FAMILIES HAVE BEEN ESTABLISHED IN ZAIRE FOR SEVEN OR EIGHT GENERATIONS, ALTHOUGH THESE CLAIMS MAY BE IMPOSSIBLE TO DOCUMENT. BELGIAN COLONIZERS FIRST ENCOURAGED BANYARWANDA FROM BOTH THE TUTSI AND THE HUTU ETHNIC GROUPS

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TO IMMIGRATE TO WHAT IS NOW ZAIRIAN TERRITORY IN THE  
CENTURY. A SECOND WAVE OF IMMIGRANTS ARRIVED IN THE LATE  
1950S AND EARLY 1960S. ALTHOUGH ZAIRE HAS NOT HAD A CENSUS  
FOR DECADES, OBSERVERS FAMILIAR WITH NORTH KIVU BELIEVE THE  
BANYARWANDA HAVE BECOME THE MAJORITY IN SOME PARTS OF THE  
PROVINCE, PARTICULARLY IN THE AREA WEST OF THE PROVINCIAL  
CAPITAL GOMA. THIS TERRITORY, ROUGHLY DEFINED BY THE SAKE -  
MASISI - WALIKALE ROAD, TRADITIONALLY BELONGED TO THE  
INDIGENOUS HUNDE TRIBE. (REFUGEE CAMPS FOR THE 1994 ARRIVALS  
FROM RWANDA ARE ALL LOCATED EAST OF SAKE.) THE EARLIER  
ARRIVALS FROM RWANDA, HOWEVER, ARE ESTABLISHED THROUGHOUT  
NORTH KIVU AND PARTS OF NEIGHBORING SOUTH KIVU PROVINCE.

4. THE BANYARWANDA PRESENCE HAS AGGRAVATED THE INTENSE  
COMPETITION FOR LAND, RESOURCES, AND POLITICAL MAJORITIES IN  
NORTH KIVU PROVINCE. (FOR ADDITIONAL BACKGROUND ON THE  
CONFLICT, SEE REFTELS B AND C.) NORTH KIVU'S FERTILE  
VOLCANIC SOIL SUPPORTS MANY PROFITABLE PLANTATIONS PRODUCING  
COFFEE, DAIRY PRODUCTS, AND FRESH PRODUCE FOR COMMERCIAL  
MARKETS. HOWEVER, THE EXPANSION OF COMMERCIAL FARMING  
UNDERMINED TRADITIONAL FEUDAL SYSTEMS OF LAND TENURE IN  
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WHICH FARMERS PAID TRIBUTE TO A LOCAL CHIEF FOR THE USE OF  
HIS ANCESTRAL LANDS. THE ENTREPRENEURIAL BANYARWANDA  
INCREASED TENSIONS WITH THEIR LAND PURCHASES WHICH WERE DULY  
REGISTERED WITH THE LOCAL GOVERNMENT BUT NOT ALWAYS  
RECOGNIZED BY THE INDIGENOUS CHIEFS WHO STILL EXPECTED THEIR  
TRIBUTE. AS THE BANYARWANDA POPULATION INCREASED, ITS  
SPOKESMEN IN THE UNIVERSITIES AND IN SMALL LOCAL POLITICAL  
PARTIES SUCH AS MAGRAVI AND PANADI BEGAN TO SUGGEST THAT THE  
ANYARWANDA CEASE MAKING TIBUTE PAYMENTS ALTOGETHER. THE  
GROWTH OF THE BAYARWANDA POPULATION ALSO THREATENED THE  
HIEFS' ABILITY TO DELIVER AN ELECTORAL MAJORITY IN ANY  
FUURE ELECTIONS -- SUCH AS THOSE PROJECTED FOR 1995 -- AND  
TO LAY CLAIM TO BNEFITS SUCH AS GOVERNMENTJOBS FOR MEMBERS  
OF THEIR RESPECTIVE TRIBES. TENSIONS WITH THE BANYARWANDA  
AND CHALLENGES TO THEIR STATUS AS ZAIRIANS WERE ALREADY  
EVIDENT AT THE TIME OF THE 1991-92 SOVEREIGN NATIONAL  
CONFERENCE (CNS). ACCORDING TO THE (ADMITTEDLY  
SELF-INTERESTED) ACCOUNT OF THE PANADI PARTY, BANYARWANDA  
HUTU DELEGATES TO THE CNS FIRST JOINED FORCES WITH THE

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DELEGATES OF THE "INDIGENOUS" TRIBES OF NORTH KIVU DO SHUT  
THE BANYARWANDA TUTSIS OUT OF THE CNS -- ONLY TO HAVE THE  
"INDIGENOUS" DELEGATES CHALLENGE THE CREDENTIALS OF THE  
BANYARWANDA HUTUS AS WELL.

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5. THE CONFLICT TURNED VIOLENT FOR FOUR MONTHS IN 1993, WHEN HUNDE CHIEFS REPORTEDLY INSTIGATED VILLAGERS TO ATTACK AND MASSACRE THE BANYARWANDA, WHO PROMPTLY RETALIATED IN KIND. FROM LATE MARCH UNTIL JULY, WHEN THE GOZ FINALLY SENT ELITE TROOPS FROM THE SPECIAL PRESIDENTIAL DIVISION (DSP) TO QUELL THE CONFLICT, SOME 6,000 PEOPLE WERE KILLED, 230,000 DISPLACED, AND MANY VILLAGES BURNED, PARTICULARLY IN THE AREA BETWEEN MASISI AND WALIKALE. IN THE AFTERMATH OF THAT CONFLICT, THE GOZ REMOVED THE GOVERNOR, REPLACING HIM WITH AN INTERIM GOVERNOR, MOTO MUPENDA, WHO REMAINS IN OFFICE ODAY. MANY OF THE CUSTOMARY CHIEFS WHO HAD WAITED OUT THE CONFLICT IN GOMA WERE NOT ALLOWED TO RETURN TO THEIR TRADITIONAL DOMAINS. LOCAL NGOS, TOGETHER WITH THE LOCAL, BANYARWANDA-DOMINATED CATHOLIC CLERGY, SET UP A SERIES OF "PEACE TALKS" IN VILLAGES OF THE CONFLICT ZONE.

. . . TO NEW MUTINY  
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6. CALM WAS BEGINNING TO RETURN BY JUNE, 1994, AND PEOPLE DISPLACED IN THE PREVIOUS YEAR'S CONFLICT STARTED TO TRICKLE BACK TO THEIR HOMES. THEN, IN JULY, 1.1 MILLION NEW RWANDAN REFUGEES, INCLUDING THE REMNANTS OF OF INTERIMHAMWE MILITIAS AND THE FAR, POURED INTO NORTH KIVU IN JUST FIVE DAYS. FOR THE MOST PART, THE NEW ARRIVALS REMAINED CONFINED TO REFUGEE CAMPS ALONG NORTH KIVU'S FEW KILOMETERS OF GOOD ROAD TO THE

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NORTH AND WEST OF GOMA. THIS AREA ~~UNCLASSIFIED~~  
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AFFECTED BY THE ETHNIC CONFLICTS AS THE MORE REMOTE VILLAGES  
IN THE INTERIOR. NONETHELESS, THE INFLOW OF SO MANY  
RWANDANS INTO AN AREA ALREADY SENSITIVE ABOUT A PRESUMED  
BANYARWANDA MAJORITY WAS INEVITABLY DESTABILIZING. WITHIN  
THE FIRST MONTH OF THE REFUGEE CRISIS, GOVERNMENT LEADERS AT  
BOTH THE PROVINCIAL AND NATIONAL LEVELS WERE SAYING THAT THE  
PRESUMED DIFFICULTIES OF SEPARATING RWANDAN  
EWCOMERS FROM ELIGIBLE ZAIRIAN VOTERS WOULD DELAY ZAIRE'S  
FIRST MULTIPARTY ELECTIONS SCHEDULED FOR JULY 1995.

7. ON A MORE IMMEDIATE LEVEL, THE REFUGEE INFLOW INTRODUCED  
WEAPONS AND POSSIBLY NEW FIGHTERS INTO THE CONFLICT.  
ZAIRIAN TROOPS CONFISCATED WEAPONS FROM THE FAR AND THE  
MILITIAS AS THEY CROSSED THE BORDER. NONETHELESS, EVEN  
INTERIM GOVERNOR MOTO MUPENDA ESTIMATED THAT 10 PERCENT OF  
THE FAR'S WEAPONS HAD ESCAPED CONFISCATION IN THE CONFUSION  
OF THE FAR'S RETREAT INTO ZAIRE. THE CONFISCATED WEAPONS  
THEMSELVES, SUPPOSEDLY UNDER CLOSE GUARD, WOULD SEEM TO  
REPRESENT A TEMPTING RESOURCE TO THE UNPAID, UNDISCIPLINED  
AND HUNGRY LOCAL CONTINGENTS OF THE FAZ AND THE PROVINCIAL  
GOVERNMENT. ACCORDING TO A MEMBER OF A MEDICAL NGO WITH  
LONG EXPERIENCE IN THE AREA, ELEMENTS OF THE FAZ ARE RUNNING  
CONFISCATED GUNS TO THE HUNDE BANDITS IN THE INTERIOR. AS  
FOR THE BANYARWANDA HUTU BANDITS, THEY HAVE RECEIVED SOME  
MEASURE OF SUPPORT FROM THEIR ETHNIC KINSMEN IN THE DEFEATED  
RWANDAN ARMED FORCES. COMMUNITY LEADERS, AND  
REPRESENTATIVES OF NGOS ACTIVE IN THE AREA ALL HAVE WIDELY  
DIFFERING THEORIES OF WHERE THE EX-FAR TROOPS ARE NOW AND  
WHAT THEY ARE UP TO (SEE REFTTEL A). THERE IS GENERAL  
AGREEMENT ON ONLY ONE POINT: THAT SOME OF THE FORMER  
SOLDIERS AND MILLITIAMEN HAVE JOINED WITH BANYARWANDA HUTU  
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ANDITS IN THE REMOTE AREAS OF THE PROVINCE, SOMETIMES  
BRINGING THEIR WEAPONS WITH THEM.

FROM "LITTLE WAR" TO FEUDING BANDITS  
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8. INTERETHNIC ATTACKS, AFFECTING ALMOST ALL PARTS OF NORTH KIVU PROVINCE, BROKE OUT AGAIN IN THE LATTER HALF OF 1994. 100 PEOPLE WERE KILLED IN ONE WEEK IN OCTOBER IN THE REGION JUST TO THE EAST OF MASISI. VILLAGES AND HAMLETS THROUGHOUT THE PROVINCE CONTINUE TO SUFFER SMALL-SCALE ATTACKS AND CATTLE RAIDS IN WHICH VILLAGERS HAVE BEEN KILLED AND HOUSES BURNED. AN OXFAM REPRESENTATIVE ESTIMATES THAT ABOUT 75,000 PEOPLE HAVE BEEN DISPLACED SINCE THE HOSTILITIES RE-IGNITED IN 1994. THERE ARE NO RELIABLE STATISTICS, BUT IT APPEARS THAT SEVERAL HUNDRED HAVE BEEN KILLED, A DOZEN OR SO AT A TIME. IN RECENT WEEKS THE CONFLICT HAS SPREAD TO THE AREA ON THE NORTHWEST EDGE OF LAKE KIVU, WHERE THE HERETOFORE NON-BELLIGERENT TEMBO TRIBE IS FACING OFF AGAINST THE BANYARWANDA. SPORADIC ATTACKS HAVE ALSO OCCURRED IN THE AREAS DOMINATED BY THE NANDE TRIBE IN THE NORTH OF THE PROVINCE, IN THE VICINITY OF RUTSHURU, MWESO AND BIBWE.

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9. THIS NEW INTERETHNIC CONFLICT DIFFERS FROM THE 1993  
 "LITTLE WAR" IN SEVERAL IMPORTANT RESPECTS. IN 1993,  
 ANYARWANDA HUTUS AND TUTSIS JOINED FORCES AGAINST THE  
 "INDIGENOUS" TRIBES; SINCE THE INFLUX OF THE RWANDAN HUTU  
 REFUGEES, EX-FAR AND MILITIAS IN MID-1994, BANYARWANDA  
 TUTSIS, MANY OF THEM LONG-TIME RESIDENTS OF ZAIRE, HAVE BEEN

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FLEEING THE PERVERSIVE ATMOSPHERE OF INEPT ATTEMPTS TO RETURN TO RWANDA. MANY HAVE SOLD THEIR GOODS AT FIRESALE PRICES AND RETURNED TO THE NOW MORE HOSPITABLE TERRITORY OF RWANDA. THE 1993 CONFLICT PITTED VILLAGERS AGAINST VILLAGERS: MEN, WOMEN AND CHILDREN MASSACRED EACH OTHER INDISCRIMINATELY UNDER THE LEADERSHIP OF THEIR CUSTOMARY CHIEFS. TODAY, FEW OF THE TRADITIONAL LEADERS ARE IN CONTROL IN COMMUNITIES OF THE INTERIOR. MANY CUSTOMARY CHIEFS ARE STILL IN GOMA, AND HAVE NOT RETURNED TO THEIR LANDS. EVEN THE CHURCH IS NO LONGER IN A POSITION TO MEDIATE. BANYARWANDA TUTSIS HAVE LONG BEEN PREDOMINANT IN THE LOCAL CLERGY, AND MANY PRIESTS HAVE ABANDONED THEIR PARISHES TO JOIN THE TUTSI EXODUS. THE NEW CONFLICT APPEARS TO BE LED, NOT BY THE CHIEFS, BUT BY GROUPS OF BANDITS, THE MOST NOTORIOUS BEING ONE "GENERAL TABU," LEADER OF A HUNDE BAND, AND "MAYANGA," WHO HEADS A GROUP OF BANYARWANDA HUTUS. (BOTH NAMES ARE SPELLED PHONETICALLY). WHERE THE 1993 CONFLICT PITTED WHOLE VILLAGES AGAINST EACH OTHER, THE 1994 CONFLICT IS FUELED MAINLY BY YOUNG MEN WHO LEAVE THEIR VILLAGES TO JOIN BANDIT GROUPS IN THE HILLS. REPORTEDLY, THESE YOUNG MEN ARE MOTIVATED PARTIALLY BY THE OPPORTUNITY TO STRIKE A BLOW FOR THEIR RESPECTIVE ETHNIC GROUPS, BUT MOSTLY  
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BY A CHANCE TO STEAL FROM THEIR NEIGHBORS. IN CONTRAST WITH 1993, THE SECOND PHASE OF THE CONFLICT HAS BECOME LESS INTENSE AND MORE GEOGRAPHICALLY DISPERSED; MORE ANARCHIC AND HARDER TO MEDIATE.

CRACKDOWN . . .  
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10. AS THEY DID IN 1993, THE GOZ LAUNCHED A MILITARY CRACKDOWN SOMETIME AFTER IT BECAME EVIDENT THAT THE VIOLENCE WAS GETTING OUT OF HAND. IN DECEMBER, THE GOZ SENT CONTINGENTS OF DSP, CIVIL GUARD, AND GENDARMES TO THE CONFLICT AREAS. ACCORDING TO REPRESENTATIVES OF NGOS ACTIVE IN THE INTERIOR OF THE PROVINCE, THE LEVEL OF VIOLENCE HAS DECLINED NOTICEABLY FROM THE HIGHS OF OCTOBER AND NOVEMBER. SEVERAL OF THESE OBSERVERS BELIEVE THE BANDITS HAVE NOW BEEN FORCED TO RETREAT INTO THE MOST REMOTE MOUNTAIN AREAS. LOCAL POPULATIONS APPEAR LESS INCLINED TO SUPPORT THEM SINCE

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JANUARY, WHEN THE FAZ BURNED FIVE VILLAGES AND RESIDENTS HAD SHELTERED BANDITS. (THE CRACKDOWN EXTENDED TO THE PROVINCIAL CAPITAL OF GOMA, WHERE THE ETHNIC CONFLICT IS LESS PRONOUNCED, BUT WHERE GANGS OF ARMED ROBBERS HAVE SOWN AYHEM. ACCORDING TO A ZAIRIAN COMMUNITY LEADER, THE FAZ WENT HOUSE TO HOUSE TO SEARCH FOR WEAPONS IN GOMA, SPARING ONLY THE ONE GANG UNDER THE SPECIAL PROTECTION OF THE LOCAL GENERAL.) REFUGEES WHO ARRIVED IN 1994 WERE OBLIGED TO GO LIVE IN THE CAMPS, REDUCING THE PRESSURE ON THE CONFLICT AREAS. SOURCES SAID THAT THE HUTU BANDIT CHIEF MAYANGA WAS ARRESTED THE FIRST WEEK OF FEBRUARY, REPORTEDLY WITH THE COLLABORATION OF BANYARWANDA TUTSIS. AS OF THE THIRD WEEK OF FEBRUARY, HE WAS STILL UNDER ARREST.

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. . . A LA ZAIROISE  
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11. THAT LAST DETAIL IS IMPORTANT, BECAUSE THE DESCRIPTIONS INDICATE THAT THE CRACKDOWN, WHILE VISIBLY EFFECTIVE, IS NONETHELESS HOBbled BY THE USUAL PROBLEMS OF MILITARY INDISCIPLINE AND AVARICE. THE LOCAL ICRC REPRESENTATIVE REPORTED THAT THE HUNDE BANDIT CHIEF TABU HAS BEEN ARRESTED FOUR TIMES IN THE SPACE OF A YEAR, AND EACH TIME HE HAS BEEN RELEASED -- FOR A PRICE. MEANWHILE, BACK IN THE INTERIOR, SOLDIERS WHO CAME TO PROTECT A PRESUMABLY GRATEFUL POPULATION FROM BANDIT RAIDS ARE NOW SETTLING IN, AND HAVE LITTLE CHOICE BUT TO LIVE OFF THE PEOPLE THEY CAME TO PROTECT. LIKE THEIR COUNTERPARTS THROUGHOUT ZAIRE, THE NORTH IVU MILITARY IS UNPAID FOR MONTHS AT A TIME. ONE ZAIRIAN COMMUNITY LEADER ESTIMATED THAT A MILITARY UNIT TYPICALLY EATS ONE COW EVERY THREE OR FOUR DAYS, IMPOSING A HEAVY BURDEN ON IMPOVERISHED MOUNTAIN HAMLETS. SOLDIERS ARE ALSO ACCUSED OF COLLECTING "TAXES" FROM DEPARTING BANYARWANDA TUTSIS AND OTHER TRAVELERS.

12. INTERIM GOVERNOR MOTO MUPENDA APPEARS TO BE TRYING TO

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RESOLVE THE CONFLICT, BUT ZAIRIANS AND RESIDENT FOREIGNERS ALIKE ALL DISMISS HIM AS WEAK AND INEFFECTIVE. HIS CONTINUING STATUS AS A MERE INTERIM GOVERNOR AFTER NEARLY TWO YEARS IS WIDELY INTERPRETED AS A VOTE OF NO CONFIDENCE FROM THE CENTRAL GOVERNMENT. MOTO, A MEMBER OF THE REGA TRIBE FROM WALIKALE, NONETHELESS HAS MADE SOME CONCILIATORY MOVES. (THIS IS SURPRISING, GIVEN THE STATEMENTS MOTO MADE IN A NOVEMBER INTERVIEW, WHEN HE SUGGESTED THAT NORTH KIVU'S PROBLEMS COULD BE SOLVED BY THE RETURN OF ALL RWANDANS, INCLUDING THE PRE-1994 ARRIVALS TO RWANDA.) MOTO REPORTEDLY FIRED THE ZONE COMMISSAIRE OF LUBERO BECAUSE THAT LOCAL ADMINISTRATOR HAD BEEN INCITING THE TWA (PYGMY) TRIBE AGAINST THE BANYARWANDA. HE HAS REINSTALLED A FEW OF THE CUSTOMARY CHIEFS IN THEIR TRADITIONAL LANDS, BUT ONLY AFTER PRESSURING THEM TO RECONCILE WITH THE BANYARWANDA. IN FEBRUARY, HE NEGOTIATED WITH LOCAL VILLAGERS TO TAKE BACK A ROUP OF SOME 5,000 DISPLACED BANYARWANDA WHO HAD FOUND REFUGE IN RUTSHURU -- AFTER HE HAD DETERMINED THAT THESE BANYARWANDA WERE, IN FACT, "REAL ZAIRIANS."

FROM ETHNIC BANDITRY TO ETHNIC POLITICS?

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13. THE NATIONALITY ISSUE ENSURES THAT THE ETHNIC CONFLICT WILL CONTINUE TO SIMMER, ESPECIALLY WITH ZAIRE'S FIRST EVER MULTI-PARTY ELECTIONS SCHEDULED (IN THEORY) FOR JULY. WHILE THE CURRENT LOW-LEVEL CONFLICT AFFECTS MOSTLY RURAL PEOPLE IN THE REMOTE INTERIOR, ELECTION FEVER WILL TEND TO INVOLVE

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MORE OF THE INFLUENTIAL URBAN POLITICIANS. IF THE LONGTERM BANYARWANDA RESIDENTS OF NORTH KIVU ARE IN FACT DETERMINED TO BE ACCEPTED AS ZAIRIANS, THEY WILL PRESUMABLY FORM A POWERFUL VOTING BLOCK, GIVING LOCAL BANYARWANDA LEADERS CLOUT IN DEMANDING GOVERNMENT JOBS AND ECONOMIC FAVORS. IF THE BANYARWANDA ARE NOT ACCEPTED AS ZAIRIANS, THEN THE LEADERS OF THE LARGER "INDIGENOUS" TRIBES BECOME THE LOCAL POWER BROKERS, AND CAN LAY CLAIM TO THE ASSOCIATED BENEFITS.

14. ZAIRIAN NATIONALITY LAW IS, UNFORTUNATELY, SUFFICIENTLY VAGUE TO SUPPORT A MULTIPICITY OF SELF-SERVING AND CONTRADICTORY ARGUMENTS ABOUT THE CITIZENSHIP STATUS OF THE ANYARWANDA. ALL OF ZAIRE'S VARIOUS CONSTITUTIONS AND LAWS ON NATIONALITY HAVE STATED THAT ZAIRIAN CITIZENSHIP IS "SOLE AND EXCLUSIVE" AND CANNOT BE HELD CONCURRENTLY WITH ANY OTHER CITIZENSHIP (SUCH AS, FOR EXAMPLE, RWANDAN.) THE 1964 CONSTITUTION GRANTS ZAIRIAN CITIZENSHIP TO ALL PEOPLE "DESCENDED FROM TRIBES OR PARTS OF TRIBES THAT WERE ESTABLISHED" IN ZAIRIAN TERRITORY PRIOR TO 1908, A PROVISION THAT WOULD SEEM TO INCLUDE THE BANYARWANDA, WHOSE ANCESTORS BEGAN ARRIVING LATE IN THE LAST CENTURY. A 1970 ORDINANCE OF THE THEN-RULING MPR POLIBURU SPECIFICALLY EXTENDED ZAIRIAN CITIZENSHIP TO ALL KINYARWANDA SPEAKERS WHO LIVED IN ZAIRE BEFORE INDEPENDENCE IN 1960, AND TO THEIR DESCENDENTS. (THIS PROVISION WOULD INCLUDE THE MAJORITY OF NORTH KIVU'S PRE-1994 BANYARWANDA.) THESE PROVISIONS WERE SUPERSEDED BY THE MUCH MORE RESTRICTIVE 1981 NATIONALITY LAW, WHICH LIMITS ZAIRIAN CITIZENSHIP TO DESCENDENTS "OF THOSE TRIBES ESTABLISHED ON THE TERRITORY" OF ZAIRE PRIOR TO 1885; WHICH WOULD SEEM TO EXCLUDE THE BANYARWANDA, WHO DID NOT BEGIN TO ARRIVE IN SIGNIFICANT NUMBERS UNTIL SEVERAL  
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YEARS LATER. (THE 1981 LAW PROVIDES FOR INDIVIDUAL RESIDENTS OF ZAIRE AND THEIR CHILDREN TO APPLY FOR CITIZENSHIP, BUT IT IS IMPROBABLE THAT ANY SIGNIFICANT NUMBER OF THE BANYARWANDA, WHO ARE MOSTLY SMALL FARMERS, WILL HAVE GONE THROUGH THE THIRTY YEAR PROCEDURE REQUIRED OR FULL CITIZENSHIP.) THE CNS DRAFT CONSTITUTION, WHICH

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NEVER ENTERED INTO FORCE, REPEATS THE PROVISIONS OF THE 1981 LAW: THE CURRENT TRANSITION ACT STATES ONLY THAT ZAIRIAN CITIZENSHIP IS SOLE AND EXCLUSIVE AND REGULATED BY LAW.

15. MORE DAMAGING THAN THE CONFUSING NETWORK OF LAWS IS THE APPARENTLY WIDESPREAD POPULAR BELIEF THAT POWERFUL PROVINCIAL AND NATIONAL POLITICIANS WILL MANIPULATE THE CITIZENSHIP ISSUE TO SUIT THEIR OWN INTERESTS. (THIS BELIEF IS FUELED BY THE POSSIBLY OVERSIMPLIFIED ASSUMPTION THAT THE BANYARWANDA ARE MOBUTU SUPPORTERS.) USING THIS LOGIC, ONE GOMA COMMUNITY LEADER COULD ARGUE THAT LIFELONG BANYARWANDA RESIDENTS OF ZAIRE WERE NOT CITIZENS AND HAD NO VOTING RIGHTS IN THE UPCOMING ELECTIONS, EVEN THOUGH THEY HELD ZAIRIAN NATIONAL ID CARDS, PASSPORTS AND SCHOOL REGISTRATION RECORDS FROM ZAIRE, OR EVEN IF THEY HAD VOTED IN PREVIOUS SINGLE-PARTY ELECTIONS. "ANYBODY CAN BUY DOCUMENTS FROM

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ACTION AF-01

INFO	LOG-00	AID-01	CIAE-00	SMEC-00	INL-02	OASY-00	DODE-00
	DOEE-00	EB-01	EUR-01	OIGO-01	H-01	TEDE-00	INR-00
	IO-10	LAB-01	L-01	ADS-00	M-00	NSAE-00	NSCE-00
	OIC-02	OMB-01	PA-01	PM-00	PRS-01	P-01	SP-00
	SR-00	SS-00	STR-01	TRSE-00	T-00	USIE-00	PMB-00

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R 081659Z MAR 95  
FM AMEMBASSY KINSHASA  
TO SECSTATE WASHDC 0380  
INFO AMEMBASSY NAIROBI  
AMEMBASSY BRUSSELS  
AMEMBASSY PARIS  
AMEMBASSY BUJUMBURA  
AMEMBASSY BRAZZAVILLE  
AMEMBASSY ADDIS ABABA  
USMISSION GENEVA  
AMEMBASSY KAMPALA  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY KIGALI  
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 05 OF 05 KINSHASA 001281

PARIS FOR MORAN, BRUSSELS FOR DUBROW

E.O. 12356: DECL: OADR

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TAGS: PGOV, PREF, PHUM, CG  
SUBJECT: ETHNIC TENSIONS SIMMER IN EASTERN ZAIRE

POWERFUL INTERESTS," HE SAID, "THAT DOESN'T MAKE ONE A ZAIRIAN WHO CAN VOTE IN THE ELECTIONS." EVEN THE 1994 REFUGEES, WHO WOULD SEEM TO BE INDISPUTABLY RWANDANS ARE SEEN TO POSE A PROBLEM BY ZAIRIAN POLITICIANS UP TO AND INCLUDING THE PRIME MINISTER. IT IS ARGUED (PRIVATELY) THAT EVEN THESE NEW ARRIVALS, HUDDLED IN THE MISERY OF THE CAMPS, ARGUING ABOUT RWANDAN POLITICS AND GAZING HOMEWARD TO WANDA, COULD BECOME ZAIRIAN VOTERS IF SOMEBODY SUFFICIENTLY POWERFUL WANTED THEM TO BE. FOR THIS REASON, MANY ZAIRIAN POLITICIANS WHOLEHEARTEDLY SUPPORTED THE RECENT UNHCR EFFORTS TO REGISTER THE RWANDA REFUGEES IN THE CAMPS.

16. COMMENT: THE SITUATION IN NORTH KIVU PROVIDES ONE MORE ARGUMENT FOR THE RAPID, COMPLETE REPATRIATION OF THE 1994

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RWANDAN REFUGEES. THERE IS SIMPLY NO ROOM FOR THEM IN  
EASTERN ZAIRE -- GEOGRAPHICALLY, ECONOMICALLY OR  
POLITICALLY. AS TO THESE REFUGEES' ETHNIC KINSMEN, THE  
LONGTIME BANYARWANDA RESIDENTS OF ZAIRE, THE OUTLOOK  
UNFORTUNATELY FAVORS A PROLONGED CONFLICT WITH THEIR  
NEIGHBORS IN ZAIRE. FOR MOST BANYARWANDA, PARTICULARLY THE  
HUTU, A RETURN TO ANCESTRAL HOMELANDS IN RWANDA IS NOT NOW A  
REALISTIC OPTION. EVIDENCE SUGGESTS THAT TOO MANY POLITICAL  
AND ECONOMIC LEADERS IN NORTH KIVU WILL HAVE AN INTEREST IN  
MANIPULATING ETHNIC CONFLICT. EVIDENCE ALSO SUGGESTS THAT  
THE STATE, FOR ALL ITS SPORADIC GOOD-FAITH EFFORTS TO  
MAINTAIN ORDER, IS TOO WEAK TO DO SO. ETHNIC CONFLICT,  
ESPECIALLY IN THE GUISE OF BANDITRY, WILL LIKELY REMAIN A  
PERSISTENT FACT OF LIFE AND POLITICS IN NORTH KIVU. END

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COMMENT.

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